

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

Criminal No. 05-10019-RGS

DANIEL W. McELROY,
AIMEE J. KING McELROY,

Defendants.

XIEU VAN SON'S MOTION TO QUASH
SUBPOENA DUCES TECUM OF DEFENDANT DANIEL J. McELROY

Now comes Xieu Van Son (“Mr. Van Son”) and, pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure, moves this honorable Court to quash the subpoena *duces tecum* served upon him by Daniel W. McElroy (“Defendant”) in the above-captioned case. The grounds for this motion are stated in the Memorandum of Law filed simultaneously herewith, and are incorporated fully herein.

Pursuant to Local Rule 7.1(A)(2), counsel for Mr. Van Son certifies that he has conferred with counsel for Defendant in a good faith attempt to resolve or narrow the issue presented by this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Mr. Van Son requests a hearing on this motion, as he believes that oral argument will assist the Court in making its ruling.

WHEREFORE, for the foregoing reasons, Mr. Van Son moves this Court to quash the

subpoena *duces tecum* served upon him by Defendant, and to grant a hearing on the motion so that oral argument may be presented to the Court.

Respectfully submitted,

XIEU VAN SON

By his attorney,

/s/ Mark D. Smith

Mark D. Smith, BBO# 542676

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January 16, 2008

CERTIFICATE OF SERVICE

I hereby certify that the above Motion to Quash Subpoena Duces Tecum of Defendant Daniel W. McElroy filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 16, 2008.

/s/ Mark D. Smith

Mark D. Smith

January 16, 2008